



1745
A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
DEC 02 2003
TC 1700

Applicants: Raymond J. GORTE
John M. VOHS
Radu CRACIUN

Group No.: 1745

Serial No.: 09/864,788

Examiner:
Mercado, Julian A.

Filing Date: 24 May 2001

Title: METHOD FOR SOLID OXIDE FUEL CELL
ANODE PREPARATION

RESPONSE

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This Communication is being filed in response to the Office Action mailed 03 November 2003 whereby Claims 1-14, all of the claims pending in the subject application have been provisionally rejected on the basis of obviousness-type double patenting in view of co-pending U.S. patent application Serial No. 09/914,638 filed 31 August 2001, which rejection the Examiner has indicated can be overcome by the filing of a suitable Terminal Disclaimer. Accordingly, Applicants are

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

19 November 2003

19 Nov. 2003
Date

Mark R. T.
Signature

Serial No.: 09/864,788

enclosing herewith a suitable Terminal Disclaimer whereby Applicants terminally disclaim any portion of the term of any patent issued from the subject application which would extend beyond the term of any patent issuing from the co-pending U.S. patent application Serial No. 09/914,638. Applicants respectfully urge that the filing of this Terminal Disclaimer overcomes the rejection of all of the claims pending in the subject application provisionally rejected on the basis of obviousness-type double patenting.

Applicants note, however, that pursuant to a telephone interview conducted with the Examiner on 27 October 2003, Applicants filed a Communication together with a Terminal Disclaimer by facsimile transmission on 28 October 2003, six (6) days before the mailing date of the present Office Action. Applicants understand that, although filed in a proper and timely manner, the Communication was not actually received by the Examiner until after the mailing date of the present Office Action. In view of this circumstance, Applicants respectfully request that the previously submitted Communication, including the Terminal Disclaimer filed therewith, be withdrawn and that this Response, including the Terminal Disclaimer enclosed herewith, be entered. Applicants further respectfully urge that, because the fee for the Terminal Disclaimer filed herewith has already been paid in connection

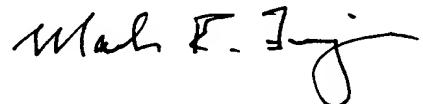
Serial No.: 09/864,788

with the previously filed and now withdrawn Terminal Disclaimer, no additional fee for the Terminal Disclaimer filed herewith is required.

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants urge the Examiner to contact the undersigned.

Applicants sincerely believe that this patent application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



Mark E. Fejer
Regis. No. 34,817

Gas Technology Institute
1700 South Mount Prospect Road
Des Plaines, Illinois 60018
TEL (847) 768-0832; FAX (847) 768-0802